

ORIGINAL

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

T04-0083

STIPULATED AGREEMENT NO. 1110

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), Norfolk Southern Railway Company ("Company"), Philo Township, Sidney Township, and the State of Illinois, Department of Transportation ("Department").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through formal correspondence, that inquiry should be made into the matter of improving public safety at the Township Road 236 (1900E) and Township Road 230 (1800E) highway-rail grade crossings of the Company's track near the Village of Sidney, Champaign County, Illinois, designated as crossings AAR/DOT 479913T, milepost 329.24-WA and AAR/DOT 479915G, milepost 330.31-WA, respectively; and

WHEREAS, permission from the Commission was requested by the Company to add an additional track across the road at a location immediately adjacent to and south of the existing at-grade crossing on 1900E; and

WHEREAS, the additional track is proposed as part of a new passing track being constructed by the Company that would extend westerly from the Village of Sidney through Township Road 236 (1900E) as described above, and end approximately 150 feet east of Township Road 230 (1800E), and

WHEREAS, proper investigation, analysis and evaluation of the subject crossings and warning devices have consequently been performed by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibits A and B, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that all of the cost for the proposed improvements be borne by the Company; To Wit the parties agree as follows:

DOCKETED

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 Based on investigation, analysis and evaluation, the Commission has determined that the proper improvements in the interest of public safety at the aforesaid crossing should be:

Township Road 236 (1900E) (AAR/DOT# 479913T)

- a) The installation by Company of automatic flashing light signals and gates controlled by constant warning time circuitry.
- b) The reconstruction by Company of the existing crossing surface, if necessary, and construction of a new crossing surface for the additional siding track, in compliance with requirements of 92 Illinois Administrative Code 1535.203.
- c) The installation by Sidney Township of new railroad advanced warning signs on the north and south highway approaches to the crossing, in compliance with requirements of 92 Illinois Administrative Code 1535.310.

Township Road 230 (1800E) (AAR/DOT# 479915G)

- a) Renewal of the existing crossbuck signs in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) and installation of YIELD signs(RI-2) mounted on the crossbuck sign posts, and reflector strips as indicated on Exhibit C attached hereto.
- b) Installation by Philo Township of new railroad advance warning signs on the north and south highway approaches to the crossing, in compliance with requirements of 92 Illinois Administrative Code 1535.310.

All parties to this Agreement accept these determinations.

Section 3 The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company, Philo Township and Sidney Township shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months from the date of Commission Order approving this Agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be as follows:

Cost Division Tables

-TR 236 (AAR/DOT #479 913T)-

Improvement	Est. Cost	GCPF	IDOT	Company	Sidney Twp.
Install Automatic Flashing Light Signals and Gates w/Constant Warning Time (CWT) circuitry	N/A	-0-	-0-	100% ¹	-0-
Reconstruct exist. crossing surface and install surface for new siding track crossing.	N/A	-0-	-0-	100% ²	-0-
Install Railroad Advance Warning Signs on north and south highway approaches to the crossing	N/A	-0-	-0-	-0-	100% ⁴

-TR 230 (AAR/DOT 479 915G)-

Improvement	Est. Cost	GCPF	IDOT	Company	Philo Twp.
Install YIELD Sign and reflector strips on each Crossbuck Sign Post	N/A	-0-	-0-	100% ³	-0-
Install Railroad Advance Warning Signs on north and south highway approaches to the crossing	N/A	-0-	-0-	-0-	100%

Notes:

¹ The Company will be responsible for all future operating and maintenance costs associated with the new automatic warning devices.

² The Company will be responsible for all future maintenance costs associated with the new crossing surfaces.

³ The Company will be responsible for all future maintenance costs associated with the new YIELD signs and reflector strips.

⁴ The Townships will be responsible for all future maintenance costs associated with the railroad advanced warning signs.

Section 6 Additional Provisions.

Depending upon the day of the week and the time of year, Company operates between thirty (30) and forty (40) trains per day through Sidney. Company estimates that on average, eight (8) trains per day will use the new siding, five (5) of which will be eastbound and three (3) will be westbound. Based upon the location of the siding track in proximity to the Township Road 230 (1800E) grade crossing, each of the three westbound trains will stop approximately 1030 feet from the crossing, thereby providing unobstructed visibility of approaching trains even when a westbound train is stopped on the siding track.

[The distance of 1030 feet is calculated as follows: a) the approximate distance of 480 feet from the crossing to the signal location, plus b) an estimated 550 feet measured from the signal to the train stopping point. Trains meeting at the siding will be managed so as to minimize blockage of any crossing, and train movements will be managed to comply with all applicable regulations and laws.]

Section 7 Special Provisions.

Norfolk Southern shall issue written instructions to all Norfolk Southern train crews specifying that all westbound Norfolk Southern trains on the new passing track shall be stopped a sufficient distance east of the signal in order to comply with all applicable federal and state crossing sight distance requirements.

Since the warning device improvements at the subject crossing will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

The Company, Philo Township and Sidney Township shall, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a written report stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of Company, Philo Township and Sidney Township employee responsible for management of the project.

Section 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

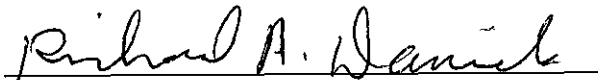
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this **29th** day of **September**, 2004.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Richard A. Daniels
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. **1110** concerning improvements at the crossings of the Company's track with public highways known as TR 236 (1900E) in Sidney Township, and TR 230 (1800E) in Philo Township, both located in Champaign County, Illinois, designated as crossings AAR/DOT 479 913T, milepost 329.24-WA, and AAR/DOT 479 915G, milepost 330.31-WA, respectively.

Executed by the Department this 12th day of October 2004.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

By: Victor A. Modlen
Director of Highways *gm*

Illinois Commerce Commission Stipulated Agreement No. **1110** concerning improvements at the crossings of the Company's track with public highways known as TR 236 (1900E) in Sidney Township, and TR 230 (1800E) in Philo Township, both located in Champaign County, Illinois, designated as crossings AAR/DOT 479 913T, milepost 329.24-WA, and AAR/DOT 479 915G, milepost 330.31-WA, respectively.

Philo Township
Executed by the Road District this 15th day of October 2004.
(Township)

PHILO TOWNSHIP

By: Brian L. McHenry

Attest:

Greg A. Kirk


Assistant Corporate Secretary

Illinois Commerce Commission Stipulated Agreement No. **1110** concerning improvements at the crossings of the Company's track with public highways known as TR 236 (1900E) in Sidney Township, and TR 230 (1800E) in Philo Township, both located in Champaign County, Illinois, designated as crossings AAR/DOT 479 913T, milepost 329.24-WA, and AAR/DOT 479 915G, milepost 330.31-WA, respectively.

Executed by the SIDNEY this 24 day of NOVEMBER 2004.
(Township)

SIDNEY TOWNSHIP

By:

John Chesnut

RECEIVED
NOV 8 2004

Illinois Commerce Commission
RAIL SAFETY SECTION

Attest:

John M. [Signature]

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Norfolk Southern
USDOT#, MILEPOST/LINE	479 913T, 329.24/WA
STREET, CITY, COUNTY	TR 236/1900E, near Sidney, Champaign County
JURISDICTION (RDWY)	Local
LOCATION	Rural
STREET SURFACE	Chip seal; 20'; fair condition

CROSSING DATA: See Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
W-E	Epton rubber and asphalt	24'	new

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	N/A
TRAFFIC CONTROL	N/A
ADT & SPEED	100@55mph unposted
TRAFFIC TYPE	Passenger, possible School Busses and Hazardous Materials
ADVANCE WARNING	Yes
PAVEMENT MARKING	No

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	40 freight Per day @ 60 MPH, Day & Night
PASSENGER TRAFFIC	N/A
WARNING DEVICES	Automatic flashing light signals

NOTES:

VISIBILITY STUDY: No visibility study necessary since the product of ADT and trains per day exceeds 3000.

Train Speed		MPH
Roadway Speed		MPH
Required Stopping Sight Distance (SSD)		
Along Roadway		FEET
Along Tracks		FEET
Required Clearing Sight Distance (CSD) (Along Tracks)		FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE				
NW				
SE				
SW				

*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

APPROACH GRADES: See Location Sketch

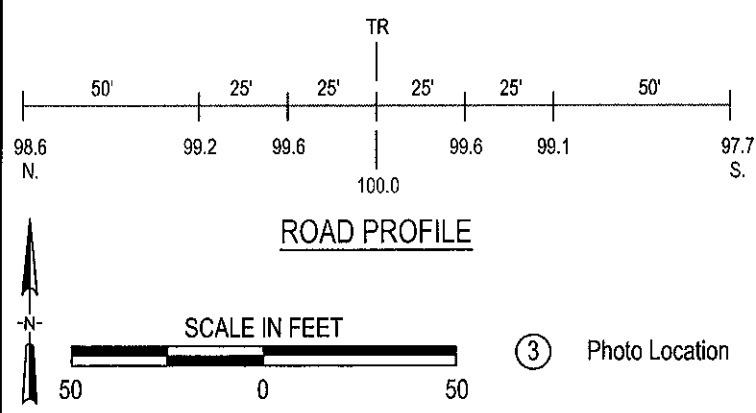
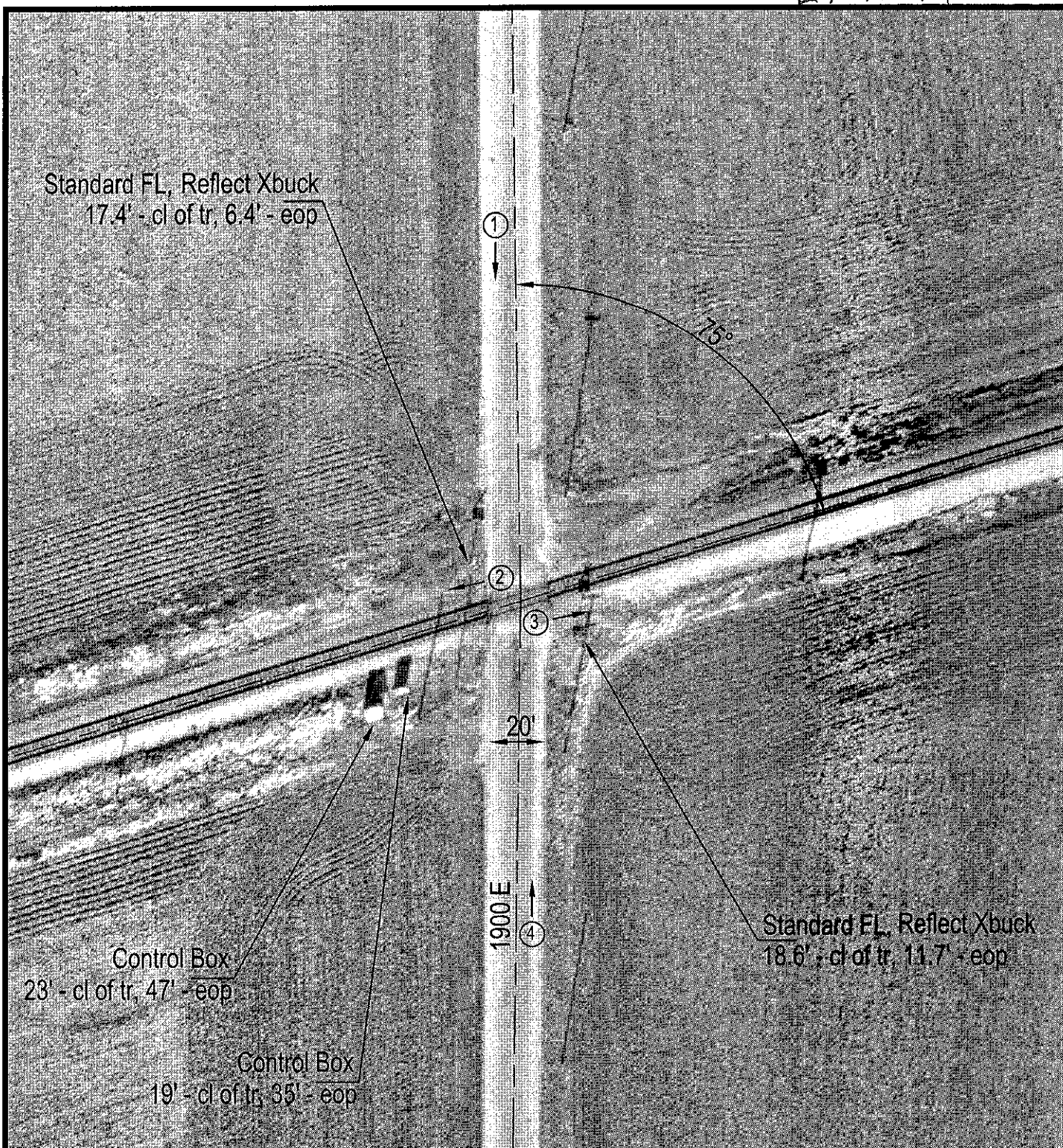
DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	99.6	1.6	25	99.6	1.6
50	99.2	1.6	50	99.1	2.0

Distance measured from outermost rail.

COMMENTS:

The railroad is proposing to add a passing track at 15' centers to the south of the existing track. They will install a new crossing surface, modify if necessary the existing crossing surface, and install new automatic flashing light signals and gates, at their own expense.

See Page Three for a Location Sketch (Aerial Photo) of the crossing.



Crossing #: 479913T

Location: Champaign Co., City of Sidney (N)

Lat/Long: 40°01'12" / 88°06'16"

Railroad: NS

Street: 1900 E

Railroad Milepost: 329.24

Crossing Protection: Train Activated Devices

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Norfolk Southern
USDOT#, MILEPOST/LINE	479 915G, 330.31/WA
STREET, CITY, COUNTY	TR 230/1800E, near Philo, Champaign County
JURISDICTION (RDWY)	Local
LOCATION	Rural
STREET SURFACE	gravel; 14'; fair condition

CROSSING DATA: See Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
W-E	Epton rubber and asphalt	24'	new

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	N/A
TRAFFIC CONTROL	N/A
ADT & SPEED	25@55mph unposted
TRAFFIC TYPE	Passenger, possible School Busses and Hazardous Materials
ADVANCE WARNING	Yes on south, no on north
PAVEMENT MARKING	No

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	40 freight Per day @ 60 MPH, Day & Night
PASSENGER TRAFFIC	N/A
WARNING DEVICES	crossbucks

NOTES:

VISIBILITY STUDY: see location sketch

Train Speed	60	MPH
Roadway Speed	Say 50	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	450	FEET
Along Tracks	628	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1441	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	ok	N/A	600	With corn it would be 50'
NW	ok	"	50	corn
SE	ok	"	1000	
SW	ok	"	500	corn

*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

APPROACH GRADES: See Location Sketch

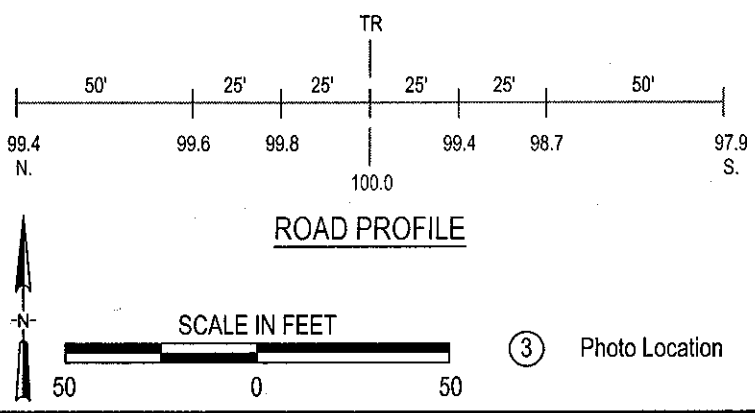
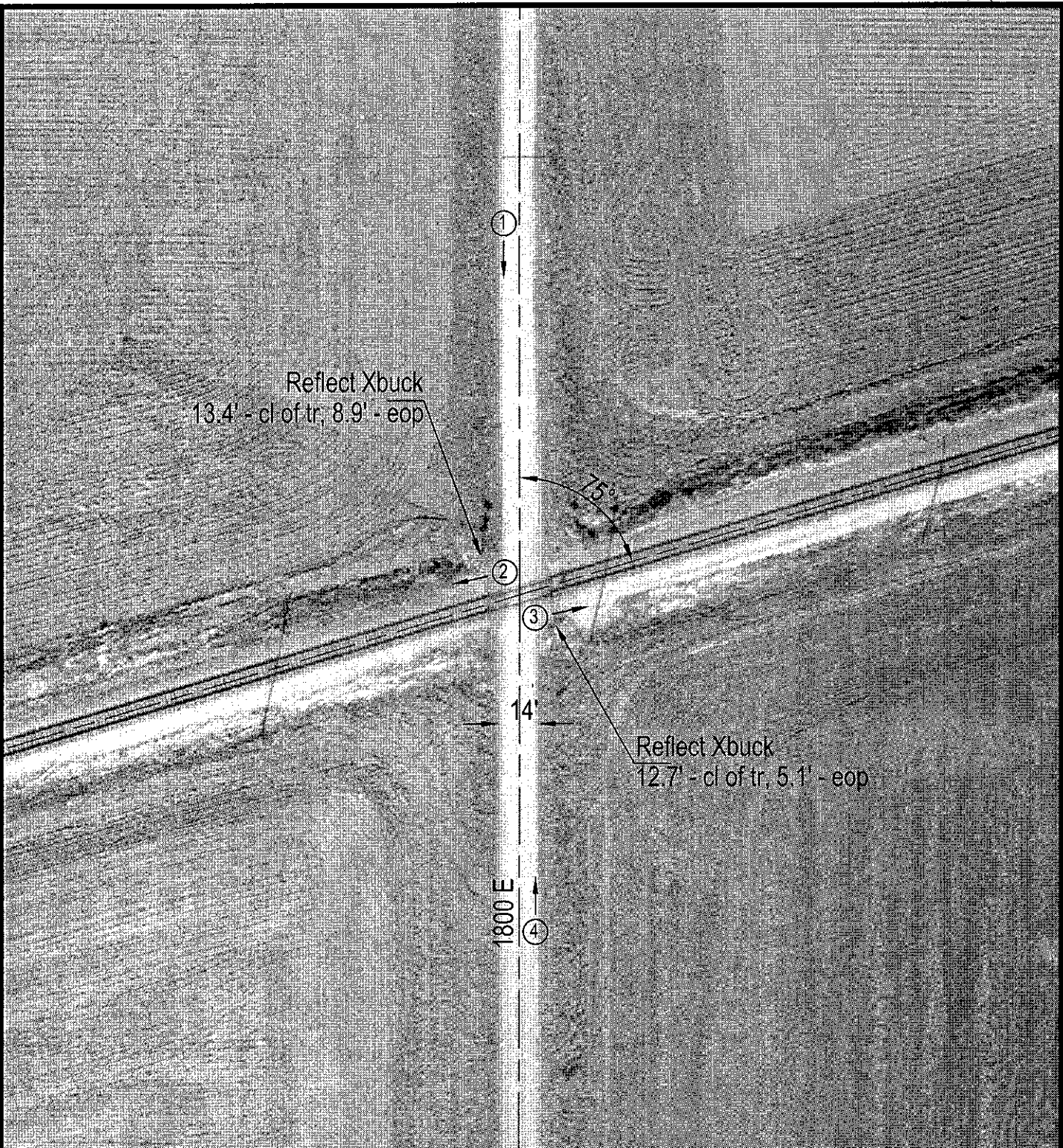
DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	99.8	0.8	25	99.4	2.4
50	99.6	0.8	50	98.7	2.8

Distance measured from outermost rail.

COMMENTS:

The railroad is proposing to add a passing track that comes from east of the 1900E crossing at 15' centers to the south of the existing track. This passing track will not go through this crossing at 1800E, but will end about 150' to the east. Their signal along railroad right of way for the locomotive engineers will cause the trains to stop along the new passing track about 1030' east of this crossing, and due to the favorable skew angle of the track in relation to the roadway, it appears that this is sufficient distance to give reasonably good clearing sight distance for vehicles traveling northbound across the tracks. The railroad will install a new crossbucks with yield signs and reflective strips on the post at their own expense.

See Page Three for a Location Sketch (Aerial Photo) of the crossing.



Crossing #:	479915G
Location:	Champaign Co., City of Philo (N)
Lat/Long:	40°00'56" / 88°07'25"
Railroad:	NS
Street:	1800 E
Railroad Milepost:	330.31
Crossing Protection:	Signs

③ Photo Location

Exhibit C



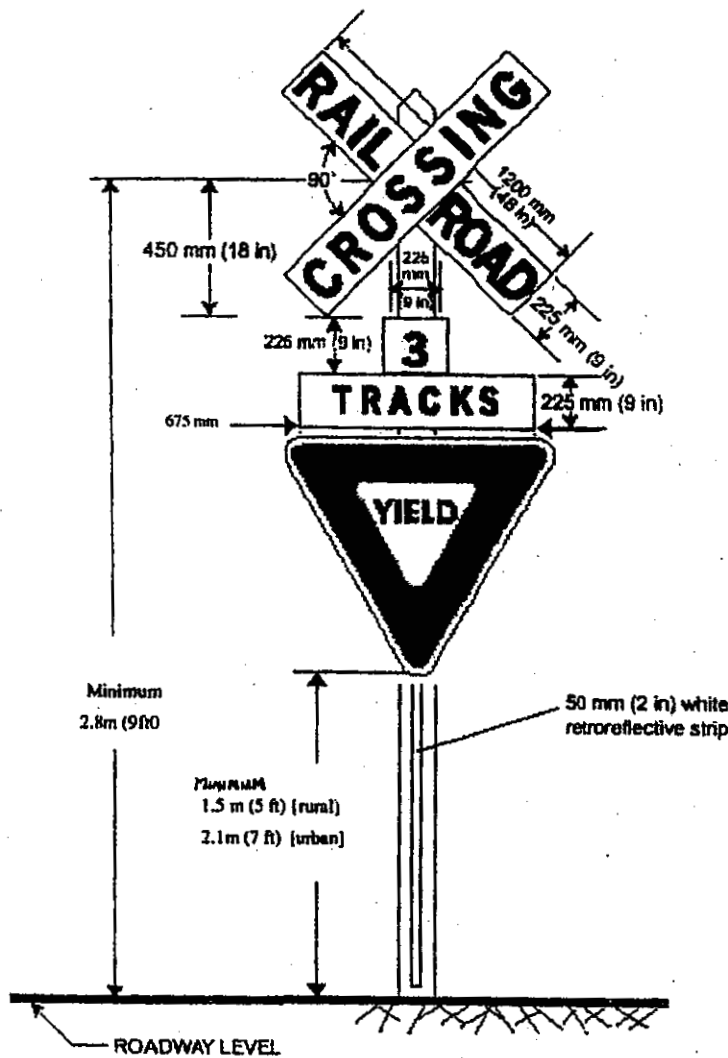
R15-1
(drilled for 90-degree mounting)



R15-2



R1-2
(36-INCH)



Highway-rail grade crossing (crossbuck) sign.